



1761

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*On the United States Patent and Trademark Office*

Appn. Number: 09/641,410

Appn. Filed: August 18, 2000

Applicant: Alice Mary O'Donnell Kiely

Title: Edible Supports for Comestibles with Optional,  
Edible Mess Guards and Drip Guards

Examiner/GAU: **Stephen Weinstein/1761**

Yorktown Heights, NY, June 28, 2004

Assistant Commissioner for Patents  
Washington, District of Columbia 20231

Sir:

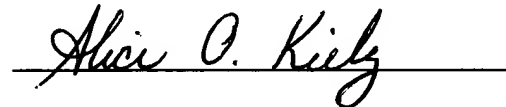
Enclosed please find four exhibits that were sent by Applicant on June 8, 2004 as part of a timely response to an Office Action (due June 9, 2004). These four exhibits apparently were taken out of Applicant's Amendment D, which had seven exhibits, and were sent back to Applicant by the Patent Search Room. These exhibits were to be placed in the Applicant's Patent Pending file wrapper, along with the other documents mailed in the same envelope containing Amendment D for the above application, to be reviewed by the above examiner. Each of these exhibits were plainly

labeled as exhibits with colored index cards and were enclosed with Applicant's Amendment D.

Also, please find attached a copy of the letter that Applicant received with her returned four exhibits.

Please resubmit the enclosed four exhibits into Applicant's file as soon as possible, in order to place the above application in allowable condition and without the need for further proceedings.

Very respectfully,

A handwritten signature in cursive script, reading "Alice O. Kiely", is written over a horizontal line.

Alice O. Kiely

Certificate of Mailing: I certify that on the date below, this document and referenced attachments, will be deposited with the U.S. Postal Service as first class mail in an envelope addressed to "Assistant Commissioner for Patents" Arlington, Va. 22313

June 28, 2004

A handwritten signature in cursive script, reading "Alice O. Kiely", is written over a horizontal line.

Alice O. Kiely

encl:

-Exhibits 2-5

-Copy of letter sent to Applicant with returned exhibits,  
postmarked June 21, 2004

-Return receipt post card



**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

Alice Mary O'Donnell Kiely  
71 Stonewall Court  
Yorktown Heights, NY 10598-1819

Dear Ms. Kiely:

This is in response to your request for information.

Your letters are enclosed. Your correspondences were dated back to 1994 and 1995, exhibits 2-5. I do not understand what type of current information you are requesting. If you can clarify your request, we will be more than pleased to assist you. Your request should be addressed as follows:

United States Patent and Trademark Office  
Patent Search Room  
Crystal Plaza 3 - 1A03  
P.O. Box 1450  
Arlington, VA 22313-1450

A copy of the enclosed circular entitled "Obtaining Information From Patents." Your attention is directed to sections 13, 19 of the circular.

Sincerely,

Carrie A. Green  
Technical Information Specialist  
Patent Search Room  
(703) 305-4463

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Carrie

September 30, 1994

Commissioner of Patents and Trademarks  
Attn: Patent Search Division  
Washington, D. C.

Please let me know what subject area or class(es) and subclass(es) cover my idea. The enclosed sketches with, each part labeled, show my intended invention. These sketches are not to scale.

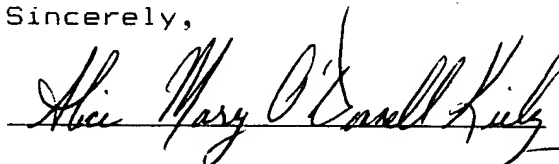
I would also like to know if the protection of this idea would come under a request for a utility or design patent. I feel that I am trying to protect its novel use and not so much its look at this point. Am I correct that there are utility patents for an idea with no moving parts?

My idea has certain features of structure, mode of operation, and intended uses which I have defined herein.

I understand there is no charge for this information.

Thank you so very much for your help.

Sincerely,



Alice Mary O'Donnell Kiely

71 Stonewall Court  
Yorktown Heights, New York  
10598-1819

### 1) FEATURES OF STRUCTURE

My idea is an " EDIBLE POPSICLE STICK ". It consists of an elongated and slenderized candy bar or cookie bar (which may be flattened in part [upper portion] or entirely) such as an elongated and slenderized Milky Way Bar, Three Musketeers Bar, Caramallo Bar, or Twix Cookie Bar, ( as an example but not excluding a good many other candy or cookie bars, manufactured or homemade ). It would be long and slenderized but could be a variety of shapes such as a long slender rectangle, circle, square, triangle, polygon, or a long slenderized shape to fit comfortably in the fingers such as a baby teething cookie, ( bumpy on the sides to conform to the fingers ) or a somewhat flattened version of these, either partially, inside the ice cream (or facsimile) pop or flattened from top to bottom. It could be a single stick, double stick or any number depending upon the confection.

### 2) MODE OF OPERATION

The " EDIBLE POPSICLE STICK " works like a regular popsicle stick in that it is inserted into the ice cream pop (or facsimile) and gives the consumer something to hold and support their portable ice cream, frozen yogurt or similar confection while they eat it. It's original feature is that it can be consumed after or during the eating of the confection and the whole popsicle can be eaten. There is no stick to throw away.

### 3) PURPOSE OF IDEA

The purpose of the idea is to give children or children of all ages a longer lasting treat in which ice cream ( or facsimile) is combined with a candy or candy/cookie confection and can be eaten in it's entirety.

A wrapper is planned with a thin piece of insulation to shield the fingers from direct contact if desired, however it is not needed in most cases.